



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/604,239

07/03/2003

John Richardson Wilcox JR.

1238

62712 7590 12/10/2008
JOHN RICHARDSON WILCOX, JR.
P.O. BOX A
ATHENS, TX 75751

EXAMINER

BRUTUS, JOEL F

ART UNIT	PAPER NUMBER
----------	--------------

3768

MAIL DATE	DELIVERY MODE
-----------	---------------

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,239	Applicant(s) WILCOX, JOHN RICHARDSON	
	Examiner JOEL F. BRUTUS	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pinsky et al (US Pat: 5,469,353).

Regarding claims 1-7, Pinsky et al teaches a radiology healthcare network for providing high quality generalist and timely medical interpretations of radiological images on a national or regional basis includes a plurality of acquiring sites that anticipates the claimed invention. As Pinsky et al teaches acquiring and interpreting in national basis. There are different time zones in the US, a radiologist can be in Hawaii to acquire or interpret studies for example, when it is nighttime there, it is daylight in Washington. We also have Eastern Time, Pacific Time, and Atlantic etc...

Pinky et al teaches a method for providing interpretation of radiological images which comprises providing an administrative site coupled to a wide area network [see column 1 lines 64-67]; generating identifying information about a radiology study [see column 2 lines 1-5]; administrative site receive identifying information about the study from one of the acquiring sites over the wide area network [see column 2 lines 7-15]; determine a pathology of the study, a geographic location of the acquiring site,

Art Unit: 3768

information about a patient age, sex, or information about an anatomy of a patient which is subject to the study [see column 2 lines 28-33]. Pinsky et al further teaches acquiring sites for acquiring radiological images and requesting radiological studies of those images [see column 3 lines 1-5]; one or more administrative sites for managing and controlling the flow and quality of images and interpretations [see column 3 lines 5-10]; acquiring sites transfer acquired radiological images as studies to the radiology healthcare network for interpretation [see column 3 lines 17-24]; appropriate interpretation resource by an administrative site on the network. The interpretation can be performed on workstations with medical image grade monitors [see column 1 lines 55-57].

Pinsky et al also teaches strategic radiology partners (SRP) that have a higher level of radiology images interpretation that interpret the radiology study and produce reports which are directed back to the appropriate acquiring site [see column 5 lines 30-35]; it is also possible with acceptable compression techniques to use voice grade switch [see column 5 lines 43-45]; board certified radiologists interpret the transmitted studies by using workstations to view the images [see column 6 lines 23-25]; after making the interpretation, the radiologist dictates a report of findings, has the dictation transcribed, reviews the transcribed report and signs the report [see column 6 lines 34-37]. The report is then sent back across the network to the acquiring site by electronic mail [see column 6 lines 38-40]; DICOM format for writing, creating, storing, receiving data, and to transmit study over the network [see column 6 lines 60-67]; image viewing equipment that includes a reading workstation capable of displaying gray scale or color

Art Unit: 3768

radiological images on a CRT display and sent by image server [see column 12 lines 41-45]; images can include images created by CT, ultrasound images, nuclear medicine, magnetic resonance imaging [see column 1 lines 43-47].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL F. BRUTUS whose telephone number is (571)270-3847. The examiner can normally be reached on Mon-Fri 7:30 AM to 5:00 PM (Off alternative Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3768

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F. B./
Examiner, Art Unit 3768

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768